

REMARKS

The foregoing amendments and the following remarks are responsive to the June 12, 2008 Office Action (hereinafter "Office Action"). Claims 1-25 are withdrawn, Claims 26 and 32-33 are amended, Claim 27 is cancelled, Claims 28-31 and 34-36 remain as filed, and new Claims 37-45 are added. Applicants respectfully submit that no new matter has been added. Thus, Claims 26 and 28-45 are presented for further consideration. Please enter the amendments and reconsider the pending claims in view of the following remarks.

Response to Rejection of Claims 26-36 Under 35 U.S.C. § 103(a)

The Office Action rejects Claims 26-36 under 35 U.S.C. § 103(a) as obvious over Toader et al., U.S. Patent No. 5,749,075 (hereinafter "Toader") in view of Kazaks et al., U.S. Patent Application Publication No. 2002/0046341 (hereinafter "Kazaks").

Claims 26, 28-36

Claim 26, as amended, recites the following:

26. (Currently Amended) A method of incentivizing future purchases by customers, said method comprising:

providing an inactivated purchase card to a customer after the customer satisfies one or more predetermined criteria associated with a promotional event, said predetermined criteria comprising achieving a particular result in a promotional contest, and wherein said purchase card displays a URL for an internet web site for the customer to visit to activate the card;

receiving a visit from the customer to said internet web site;

receiving from the customer during said visit a card identification number associated with said purchase card;

providing to the customer during said visit one or more survey questions;

receiving from the customer during said visit responses to said survey questions; and

activating said purchase card with a predetermined value in response to receiving one or more responses from the customer to said survey questions.

Applicants submit that Toader in view of Kazaks does not teach or suggest all the limitations of Claim 26 as amended. Toader discloses distributing telephone calling cards by "placing them in specially marked packages of a sponsor's product and/or distributing them free, or selling them." (*See* Toader at col. 5 lns. 34-38.) Kazaks discloses a "customer purchas[ing]

the card from [a] retail outlet . . . by mail order, over the internet, at an automatic teller machine or dedicated kiosk, or over the telephone.” (See Kazaks at ¶¶ 0044-0045.) The combination of Toader and Kazaks does not disclose or suggest providing an inactivated purchase card to a customer after the customer satisfies one or more predetermined criteria associated with a promotional event, said predetermined criteria comprising achieving a particular result in a promotional contest, as recited in independent Claim 26.

Furthermore, Toader discloses providing “sponsor supplied specialized survey queries” to the user, and after the user answers the questions, the system “activates a timer to time the user’s Internet access.” (See Toader at col. 6 lns. 3-7.) Thus, Toader discloses activating a timer, not a purchase card. In fact, the calling card disclosed by Toader is active as soon as the customer receives it and may be used for long distance calling time without answering survey questions or any other activation. (*Id.* at col. 5 lns. 45-49.) Kazaks does not disclose or suggest providing survey questions let alone activating a purchase card in response to receiving responses to survey questions. Therefore, Toader and Kazaks, individually or in combination, do not disclose or suggest activating a purchase card in response to receiving responses to survey questions, as recited in Claim 26.

Because independent Claim 26 includes limitations not taught or suggested by Toader or Kazaks, Applicants respectfully submit that Claim 26 is patentable over Toader in view of Kazaks. Each of Claims 28-36 depends directly or indirectly from Claim 26, so each is distinguished over Toader in view of Kazaks for at least the same reasons as provided above for Claim 26. Applicants respectfully request that the Examiner withdraw the rejections of Claims 26 and 28-36 and pass these claims to allowance.

Claim 27

Applicants have cancelled Claim 27. Thus, the rejection of Claim 27 is moot.

Comments on Newly Added Claims 37-45

Claims 37-40

Each of new Claims 37-40 depends from Claim 26, so each is patentable for at least the same reasons discussed above for Claim 26. Applicants respectfully submit that Claims 37-40

are in condition for allowance, and respectfully request that the Examiner pass these claims to allowance.

Claims 41-45

New Claim 41 recites the following:

41. (New) A method of incentivizing future purchases by customers, said method comprising:
- providing an inactivated purchase card to a customer, wherein said purchase card displays a URL for an internet web site for the customer to visit to activate the card;
 - receiving a visit from the customer to said internet web site;
 - receiving from the customer during said visit a card identification number associated with said purchase card;
 - providing to the customer during said visit one or more survey questions;
 - receiving from the customer during said visit responses to said survey questions;
 - activating said purchase card with a predetermined value in response to receiving one or more responses from the customer to said survey questions; and
 - deactivating said purchase card upon passage of a predetermined duration of time from said activating.

Applicants submit that new independent Claim 41 recites limitations not taught or suggested by Toader in view of Kazaks. Toader discloses “activate[ing] a timer to time the user’s Internet access. . . . [T]he user is released to visit other domains or areas of interest within the Internet for the remainder of the time period . . . until the EES clock . . . times out the initial period. . . . [T]he user can log off of the Internet at any time after registration and can reserve any remaining allotted time for later Internet access use.” (See Toader at col. 6, lns. 6-39.) Thus, in Toader a timer measures Internet access usage, and an initial period ends when the user has used up a predetermined amount of Internet access time. Toader does not teach or suggest deactivating the purchase card upon passage of a predetermined duration of time from the activation step, as recited in independent claim 41. Kazaks does not teach or suggest deactivation.

Furthermore, Toader discloses providing “sponsor supplied specialized survey queries” to the user, and after the user answers the questions, the system “activates a timer to time the user’s Internet access.” (See Toader at col. 6 lns. 3-7.) Thus, Toader discloses activating a timer, not a

purchase card. In fact, the calling card disclosed by Toader is active as soon as the customer receives it and may be used for long distance calling time without answering survey questions or any other activation. (See Toader at col. 5 lns. 45-49.) Kazaks does not disclose or suggest providing survey questions let alone activating a purchase card in response to receiving responses to survey questions. Therefore, Toader and Kazaks do not disclose or suggest activating a purchase card in response to receiving responses to survey questions, as recited in Claim 26.

Because independent Claim 41 includes limitations not taught or suggested by the combination of Toader and Kazaks, Applicants respectfully submit the Claim 41 is patentable over Toader in view of Kazaks. Each of Claims 42-45 depends directly or indirectly from Claim 41, so each of Claims 42-45 is patentably distinguished over Toader in view of Kazaks for at least the same reasons as for Claim 41. Applicants respectfully submit that Claims 41-45 are in condition for allowance and request that the Examiner pass these claims to allowance.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Application No.: 10/814,814
Filing Date: March 31, 2004

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 12, 2008

By: 

David G. Jankowski
Registration No. 43,691
Attorney of Record
Customer No. 20995
(949) 760-0404

5549218/als